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| Status: | Active Policy |
| Effective Date: | October 13, 2006 through October 12, 2008 |
| Revised Date: | N/A |
| Approved By: | J. Stephen Fletcher, CIO |
| Authority: | <i>UCA §63F-1-103; Utah Public Officers' and Employees' Ethics Act (UCA §67-16-1, et seq.); Utah Administrative Code R477-9</i> |

16.1 PURPOSE

The intent of this policy is to prevent DTS employees from engaging in secondary employment or an outside activity that may hinder the employee from efficiently performing his/her assigned duties by creating, or being perceived by DTS, taxpayers and/or the Department's customers as having a potential for creating a conflict of interest.

16.1.1 Background

The success of the Department of Technology Services (DTS) is dependant upon the trust, credibility, and confidence earned from employees, clients, and stakeholders. This trust and credibility is obtained by adhering to commitments, displaying honesty and integrity, and reaching Department goals through honorable conduct.

Employees are expected to conform to this policy and to comply with all applicable laws, rules, and policies. By complying with this policy and all applicable laws, rules, and policies employees can protect their private interest and the business interests of the State of Utah, the Department, the Department's clients, and their associates.

16.1.2 Scope

This policy applies to all employees of DTS.

16.1.3 Exceptions

With supervisor and director approval part-time schedule AJ employees may be excluded from the provisions of this policy.

16.2 POLICY

Employment with the Department shall be the principal vocation of full-time employees. Full-time employees shall not accept employment or engage in an activity of any kind which could result in a direct conflict of interest.

16.2.1 General.

16.2.1.1 There are several factors which determine if there is a conflict of interest. Any one of the following factors by itself may constitute a conflict.

- Engaging in work for an outside employer during the same hours one is scheduled to be working for the Department.
- Disclosing information acquired by reason of Department position for personal or another's private gain or benefits.
- Using, or attempting to use, Department position to secure special privileges or exemptions for self or others.
- Accepting employment which would impair independence of judgment in the performance of public duties in a Department position.
- Engaging in a business venture or working for an organization which is conducting business with the Department/State.
- Utilizing the Department's resources and/or materials for purposes other than those required in the position held with the Department
- Finding oneself incapable of performing at full capacity in a Department position because of fatigue, anxiety, or other impairments caused by outside employment.
- Using state position or any influence of power, authority or confidential information they receive in their position, or state time, equipment, property, or supplies for private gain.

16.2.2 Employees shall not receive outside compensation for their performance of State duties except in cases of:

- Awards for meritorious public contribution.
- Receipt of expenses paid for papers, speeches, demonstrations, or appearances made on the employees own time with the approval of agency management, which are not compensated by the state or prohibited by rule.
- Usual social amenities, ceremonial gifts or insubstantial advertising gifts.

16.2.3 Employees shall declare a potential conflict of interest when they are required to do or decide something that could be interpreted as a conflict of

interest. Agency management shall then excuse the employee from making decisions or taking actions that may cause a conflict of interest.

16.2.4 Employees shall notify DTS management and request approval to participate in outside activities if the activity has the potential or appears to be in conflict with Utah Title 67, Chapter 16.

16.2.4.1 Employees wishing to engage in outside employment shall notify and request approval from DTS management prior to engaging in outside employment. DTS management shall approve or deny the employee's request within 2 business days.

16.2.5 DTS management may deny employees permission to engage in outside activities identified in 16.2.4 or to receive payment if they determine the outside activity causes a real or potential conflict of interest.

16.2.5.1 Employees may appeal this decision to the Executive Director.

16.2.5.2 Failure to notify and to gain approval for outside employment from the Department is grounds for disciplinary action.

16.3 PROCEDURES

16.3.1 The Conflict of Interest Clearance Form must be submitted and signed by the employee in the event a potential conflict of interest arises.

16.3.1.1 For any outside employment, the Conflict of Interest Clearance Form must be completed and approved by the employee's supervisor and director prior to the employee's start of outside employment.

16.3.1.2 Department management shall review and attempt to resolve the potential or determined conflict of interest with the employee.

16.3.2 The original Conflict of Interest Clearance Form shall be retained in the employee's personnel file.

APPENDIX A: SAMPLE FORM

The following form is for demonstration purposes only. Contact the Department Human Resources Technician for a current version.

DOCUMENT HISTORY

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| Originator: | Larene Wyss, DTS HR |
| Next Review: | September 15, 2008 |
| Reviewed Date: | N/A |
| Reviewed By: | N/A |

DEPARTMENT OF TECHNOLOGY SERVICES
Conflict of Interest Clearance Form

CONFIDENTIAL INFORMATION: Information disclosed herein is for confidential administrative use only and will not be discussed outside of the chain of command. Signatures attest reading and understanding of Department of Technology Services Policy and U.C.A. §67-16.

Section I – Employee

Name: _____ EIN: _____

I, _____, hereby declare that I am involved in the following activity (employment, membership, business venture, etc.) which I feel does not constitute a conflict of interest for the reason(s) indicated:

Where possible conflicts of interest may exist, I will take the following steps to insure that no conflict occurs:

Employee Signature

Date

Section II – Supervisor

I have read the above and ☐ agree / ☐ disagree that it appears no conflict of interest exists. Comments or restrictions assuring such a conflict cannot occur:

Supervisor Signature

Date

Section III - Division/Office Director

I have read the above and ☐ agree / ☐ disagree that it appears no conflict of interest exists. Comments or restrictions assuring such a conflict cannot occur:

Director Signature

Date

Original: Employee's File

Copy: HR Field Office